

HOUSE BILL REPORT

SB 5979

As Passed House - Amended:

April 7, 2005

Title: An act relating to search and rescue dogs.

Brief Description: Prohibiting interference with search and rescue dogs.

Sponsors: By Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/31/05 [DPA].

Floor Activity:

Passed House - Amended: 4/7/05, 95-0.

Brief Summary of Bill (As Amended by House)

- Provides that any person found guilty of interfering, injuring, or causing the death of a search and rescue dog can be subject to both criminal penalties as well as restitution to the victim.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

Many city and county governments operate search and rescue units and there are also local volunteer units located throughout the state. These units are responsible for searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster; including instances involving searches for a downed aircraft when ground personnel are used. Many of these units use search and rescue dogs to help in their search and rescue missions.

Criminal Penalties. A misdemeanor offense is punishable by a maximum term of 90 days in jail, a \$1,000 fine, or both. A gross misdemeanor offense is punishable by a maximum term of one year in jail, a \$5,000 fine, or both. The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Summary of Amended Bill:

A new statute is created to govern search and rescue dogs. A "search and rescue dog" is a dog that is trained for the purpose of search and rescue of persons lost or missing. A person found guilty of interfering, injuring, or causing the death of a search and rescue dog can be subject to both criminal penalties as well as restitution to the victim.

Interfering with the use of a Search & Rescue Dog. It is a misdemeanor offense for any person who: (1) after receiving a warning about his or her behavior, continues with reckless disregard to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating or jeopardizing the safety of the dog or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the dog or his or her user. The penalties in both cases increase to gross misdemeanor offenses for second or subsequent offenses.

Injuring a Search & Rescue Dog. It is a gross misdemeanor offense for any person who: (1) with reckless disregard, injures, disables, or causes the death of an on-duty search and rescue dog; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of an on-duty search and rescue dog. It is an unranked class C felony to intentionally injure, disable, or cause the death of a search and rescue dog.

Theft of a Search & Rescue Dog. It is a seriousness level II, class B felony theft offense for any person that wrongfully obtains or exerts authorized control over an on-duty search and rescue dog with the intent to deprive the dog user of his or her dog. The presumptive sentence range for a level II offender with no prior criminal history is zero to 90 days in jail.

Restitution. When a person is convicted of any of the above listed crimes, the person must make full restitution for all damages, including incidental and consequential expenses incurred by the search and rescue dog and his or her user, which arose out of, or was related to the criminal offense. Restitution includes, but is not limited to the following: (1) the value of the replacement of an incapacitated or a deceased search and rescue dog; (2) the training of a replacement dog or the retraining of the affected dog and all related veterinary and care expenses; and (3) medical expenses of the search and rescue dog user, training of the dog user, and compensation for wages or earned income lost by the dog user.

The criminal penalties and the restitution do not preclude civil remedies available for these violations.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) In the past, a number of the rescue dogs and their users have been attacked. It takes quite a bit of time and commitment to train and keep search and rescue dogs in shape and in condition so that they are ready at a moments notice. These dogs are not only used here in the U. S. but they are also flown to other countries.

Training search and rescue dogs is virtually a full-time unpaid effort requiring significant personal emotional commitments for the user and his or her family. Although they are volunteers, having a search and rescue dog is a serious endeavor to provide professional quality as a canine dog statewide. A typical search dog takes approximately two years to be trained to accomplish his tasks.

(In support with amendment) Search and rescue dogs are important to our community and provide an important service. However, the intent behind Layla's Law was to protect the disabled society. Search and rescue dogs should have their own section in law and not within disability law. The amendment addresses this issue.

Testimony Against: None.

Persons Testifying: (In support) Senator Benson, prime sponsor; and Representative Clements.

(In support with amendment) Hy Cohen.

Persons Signed In To Testify But Not Testifying: None.